FIFTH DESPATCH

ON

INDIAN CONSTITUTIONAL REFORMS

(Franchises)

No. 4 of 1919.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

REFORMS.

To

THE RIGHT HONOURABLE EDWIN MONTAGU,

His Majesty's Secretary of State for India.

Simla, April 23, 1919.

SIR,

We have the honour to lay before you our views upon the proposals for franchise and constituencies and the composition of the reformed legislative bodies, made by Lord Southborough's committee in the report which we herewith enclose.

2. Before we deal in detail with the report one preliminary question of some importance suggests itself. As you will see, the work of the committee has not to any great extent been directed towards the establishment of principles. In dealing with the various problems that came before them they have usually sought to arrive at agreement rather than to base their solution upon general reasonings. It was no doubt the case that the exigencies of time alone made any other course difficult for them; but in dealing with their proposals, we have to ask ourselves the question whether the results of such methods are intended to be in any degree permanent. Their colleagues of the subjects committee have proposed to treat Indian and provincial franchises and elections as a provincial matter "subject to Indian legislation." The intention, however, as we understand it, is that these should be determined by rules made by the Governor General in Council with the sanction of the Secretary of State in Council under sections 63-E, (*a*) and (*c*), and 74(2) and (1) of the Government of India Act as the draft Bill proposes to amend it. The Bill moreover provides, and we think rightly, that such rules should not be subject to repeal or alteration by the Indian legislature. Whatever be the machinery for alteration, however, we have to face the practical question of how long we intend the first electoral system set up in India to endure. Is it to be open to reconstruction from the outset at the wish of the provincial legislatures, or is it to stand unchanged at least until the first statutory commission? There are reasons of some weight in either direction. In the interests of the growth of responsibility it is not desirable to stereotype the representation of the different interests in fixed proportions; the longer the separate class and communal constituencies remain set in a rigid mould, the harder it may become to progress towards normal methods of representation. On the other hand it is by no means desirable to invite incessant struggle over their revision. If the new provincial and Indian legislatures are to address themselves successfully to their heavier responsibilities, it is desirable that they should not be distracted by the acute contentions between religions and classes which questions of redistribution will arouse. In practice we believe it will not be possible to alter the constituencies at the instance of a majority in the legislatures. The disposition to insist on communal electorates, our own pledges to some minority interests, and the need for preventing a disturbance of the balance of power against the official government will make change difficult; indeed we anticipate that Indian political opinion will itself prefer to treat the proportions once allotted as fixed for a given term. We do not expect that the initial allotment will be abandoned until political life in India becomes more reconciled than it is at present to what we regard as a fundamental principle of responsible government, namely, the validity of a majority decision. Until that time comes the determination of the constituencies must rest with Government; and the heavy responsibility which is thus placed upon us compels us to submit to a closer examination than might otherwise be necessary those of the committee's proposals which seem to us open to criticism.

3. With one exception we endorse the committee's recommendations regarding disqualifications (para. 7 of report). In the present conditions of India

we agree with them that it is not practical to open the franchises to women. Our colleague Sir Sankaran Nair, however, accepts the view of Mr. Hogg, that the sex disqualification should be removed from the outset. We cannot, however, agree that subjects of Indian States should be entitled, either to vote for the legislatures which are partly to control the Government and to make the laws of British India, or, to anticipate a further proposal of the committee (para. 26), should be eligible for election to such bodies. Discussing the latter point in para. 26 of the report the committee observe that there are many such persons residing in British territory, with which place of residence their interests are identified. We note that sections 63, 74 and 76 of the Government of India Act, as amended in 1916, admit of the nomination to the legislatures of a subject or ruler of an Indian state. That innovation, as you will remember, was the outcome of doubts which had been raised as to the competence of ruling chiefs to be appointed to the legislative councils. There was no question of making such persons eligible for election. Indeed in their despatch no. 38 of October 16, 1913, our predecessors said definitely that they intended no such thing. Moreover the arrangement then under consideration related to what may now almost be described as a bygone age. The councils are no longer to be a collection of individual advisers of the Government, but are to be representative bodies. At the same time the Report on Indian constitutional reforms (para. 299) has taken the opportunity, as we think wisely, of emphasising the principle that the Indian states should abstain from interference in the internal affairs of British India. We need not now refer to previous discussion of the status of the subjects of Indian States. It may be expressed briefly by saying that while in relation to a foreign power they can claim the protection of the paramount power, in respect of the domestic affairs of British India, they are aliens. By this broad principle we should prefer to abide. No one is entitled to assist in making the laws of a country but citizens of that country; and if subjects of Indian States who are settled in British India desire either to vote or to stand for the provincial legislatures they should first, in our opinion, acquire the status of British Indian subjects.

4. As regards the qualifications of the electors we agree that some form of property rating is the only possible basis for the franchise. We have not found it possible in practice to introduce any educational modification of the qualifications based on wealth. The committee have made no comparison of the property qualifications which they propose in the various provinces, nor have they explained the variations which here and there they admit between different parts of the same province. We ourselves know no way of expressing the different qualifications of revenue, rent, cesses, rates and income-tax in any common term otherwise than by translating them all, even though the process involves some debatable factors, into the common denomination of income. Para. 225 of the Report says "We must in fact measure the number of persons who can in the different parts of the country be reasonably entrusted with the duties of citizenship"; and though we agree with the remark which follows in para. 226 that no great value attaches to *a priori* considerations as to the amount of income which may be held to constitute a qualification, the fact remains that as the committee have given us no general account of the income of the proposed voters, whether rural or urban, we find it very difficult to form any picture of the standard elector whom they have in view. In its absence we feel that we can only judge of their proposals broadly by the size of the resultant constituencies.

5. One of the voting qualifications proposed by the committee generally is the payment of income-tax. When they were considering the question, the limit of assessable income was Rs. 1,000 a year: as you are aware, it has recently been raised to Rs. 2,000. It would be out of the question, we think, to institute a separate assessment of incomes for purely franchise purposes. We have therefore considered whether the adoption of the new standard would seriously disturb the balance of power between the various classes of voters. We do not think that this result will follow, because except in the Punjab, the other urban qualifications have been fixed so low that people in towns whose income is between Rs. 1,000 and Rs. 2,000 a year would probably have them, while in rural areas the number of persons affected by the change is probably not large. But we should be glad to obtain the advice of local Governments upon the point.

6. One palpable difficulty that presents itself in connection with the question of property qualifications is the relative poverty of the Muhammadans as a body. The committee have dealt with this problem by keeping the franchises even between the communities in the same areas (para. 10). The result is that the proportion of Muhammadan voters to the Muhammadan population is smaller than in the case of the Hindus, and the value of a Muhammadan vote is larger than that of a Hindu vote. This no doubt involves discrimination; but we agree with the committee that such discrimination is less invidious and fairer than would result from differentiating the qualifications.

7. In explaining their chief departure from the principle of a wealth qualification (para. 9), the committee make no reference to the fact that our opinion upon the question of soldiers' voting was placed before them. Our view was that Indian officers and soldiers should not be given any special preference; they should get a vote if otherwise qualified like anyone else, but, in view of the inexpediency of introducing politics into the Indian army, they should not exercise the vote except while on leave or after retirement. The committee, taking a middle line between Sir Michael O'Dwyer's desire to enfranchise commissioned Indian officers as such and the proposal made by the Punjab non-official members to admit to the vote wound-pensioned soldiers as well, have proposed to treat certain kinds of military service as qualifying for the vote in all provinces. We recognize the force of the arguments in favour of according especial recognition to military service; but if they are to be admitted we can see no reason for stopping short of the sepoy. We think the better plan is to adhere strictly to the property qualification, except for what may be called the corporation electorates. In this view we would omit the qualification of title-holders which the committee would retain in certain landholding constituencies. We regard it as no longer required; and in its executive origin it is clearly open to the objections taken by a minority of the committee in para. 27 to another proposal.

8. In arriving at the size of the electorates, shown in para. 11 of their report, the committee have attempted no uniformity of standards. Except in the case of Madras and Bombay, they have for the most part adopted the varying proposals of local Governments. We fully recognize the need for local variations, but we consider that such variations should bear some relation to established facts; and our difficulty is to correlate the size of the suggested electorates with the progressiveness of the provincial populations whether judged by wealth, education or political activity. The individual opinions of the local Governments, each looking to its own province, have been the deciding factor, tempered by the moderate adjustments made by the committee. Since the report was received, the Madras Government have informed us that their revised estimate of the electorate in that presidency is lower by 100,000 than the comparatively small total which the committee expected their proposals to yield. This new fact lends additional force to the recommendation which we are disposed to make. Looking to the proposals as a whole, our conclusions are that the franchises should be so varied as to result in a slight enlargement of the Punjab electorate and a considerable enlargement of the Madras electorate; that the large electorates proposed for Bengal and the United Provinces should be reduced by something like one-third; and that Assam should be reduced in somewhat similar measure. Our colleague Sir Sankaran Nair, however, would accept the committee's proposals as regards Bengal, Assam and the United Provinces. As to the Punjab, he agrees with Sahibzada Aftab Ahmed.

9. We are confirmed in our opinion by our examination of some of the individual constituencies suggested. We note the committee's assurance in para. 10 of the report that the proposed constituencies are not too big, but as a matter of practical business it does not convince us. It must be remembered that we are wholly without experience of the difficulty of holding elections on rolls of many thousands over wide areas. We feel great doubt whether it is within the capacity of the ordinary district staff to hold elections every three years upon a total roll of one hundred thousand electors, most of whom are illiterate and very many of insignificant income; and over and above this, to maintain the roll between elections, and to inquire into allegations of bribery, promises, intimidation, impersonation or the improper admission of votes, which are the grounds on which the validity of an election may be impugned. Nor do we see much prospect of strengthening the district staff for the purpose. Most of the non-official assistance,

which is ordinarily forthcoming in district work, would, at election time, be itself engaged in the political campaign. In the interests of the reforms, we should be very reluctant to see the conduct of polling at the numerous out-stations committed to the hands of subordinate officials who might be too open to improper influence. The work at the outset must be mainly done by a responsible official staff, and until further experience has been gained it should be kept within bounds which they can manage. We understand that in the provinces where the constituencies are largest they were so framed in the hope of preventing them from being readily captured by the professional politicians; but whether there are good grounds or not for such anticipation, it seems to us that in attempting to hold elections with an inexperienced electorate and a strictly limited agency on so huge a scale there is great risk of discrediting the experiment at the outset by electoral scandals. In most provinces the district rolls proposed are manageable; but in Bengal and the United Provinces we desire, as we have said, to see some substantial reduction made. We cannot seriously conceive it as a physical possibility, to take two of the committee's examples, that 122,000 voters could be polled in the district of Bakargunj, almost entirely devoid of roads and traversed in all directions by vast rivers; or that 96,000 voters could be polled in the Almora district, a tangle of great mountain ranges, among which all communication is slow and painful.

10. The next point for consideration is the size and general composition of the councils. The present maximum strength of the councils in the three presidencies, the United Provinces and Bihar and Orissa is fifty, and in the Punjab, the Central Provinces and Assam is thirty. The Congress-League scheme proposed a strength of one hundred and twenty-five in the major and of from fifty to seventy in the minor provinces. Even if the Punjab and Bihar and Orissa are to be regarded as major provinces, it would hardly be reasonable to give them councils of approximately the same size as the three presidencies and the United Provinces. It is difficult to give their proper weight to the various factors which should be taken into account in determining the size of the councils; but we feel that the strengths proposed by the committee correspond closely with the estimate which we should ourselves be disposed to make of the relative importance of the provinces. Bombay is given a slightly smaller council than Bengal, Madras and the United Provinces, but to this no exception can be taken in view of the differences in population. We see nothing to question in the comparative strengths, and the actual strengths also appear to us generally to meet all requirements. We understand that the schedule to the Bill will regulate the maximum strengths of the legislatures, and that their actual size will be regulated by the rules.

11. The actual composition proposed for each council can be judged from the statement which we subjoin.

Provinces.	Total nominated and elected.	NOMINATED.			Total (elected).	ELECTED.													
						By special electorates.					By communal electorates.							By general electorates.	
		Total (nominated[1]).	Officials (nominated and ex officio).	Non-officials.		Total.	University.	Landholders.	Commerce and Industry including mining and planting.	Total.	Rural. Muhammadans.	Urban. Muhammadans.	Europeans	Anglo-Indians.	Indian Christians.	Sikhs.	Total.	Rural. Non-Muhammadans.	Urban. Non-Muhammadans.
1. Madras ...	118	25	19	6	93	14	1	7	6	18	11	2	1	1	3	...	61	52	9
Per cent. basis ...	*100*	*21*	*16*	*5*	*78*	*11*	*·8*	*6*	*5*	*15*	*9*	*2*	*·8*	*·8*	*3*	...	*52*	*44*	*8*
2. Bombay ...	111	24	18	6	87	12	1	3	8	29	22	5	2	...	...	...	46	35	11
Per cent. basis ..	*100*	*21*	*16*	*5*	*78*	*10*	*9*	*3*	*7*	*26*	*19*	*4*	*1*	...	...	...	*41*	*31*	*10*
3. Bengal ...	125	25	20	5	100	22	2	5	15	37	28	6	2	1	...		41	30	11
Per cent. basis ...	*100*	*20*	*16*	*4*	*80*	*17*	*1*	*4*	*12*	*29*	*22*	*4*	*1*	*·8*	...	...	*32*	*24*	*8*
4. United Provinces...	118	23	18	5	95	10	1	6	3	28	23	4	1	...	...		57	49	8
Per cent. basis ...	*100*	*19*	*15*	*4*	*79*	*8*	*·8*	*5*	*2*	*22*	*19*	*3*	*·8*	...	...	...	*48*	*41*	*6*
5. Punjab ...	83	22	16	6	61	7	1	4	2	36	21	6	...	...	...	8	18	14	4
Per cent. basis ...	*100*	*26*	*19*	*7*	*73*	*8*	*1*	*4*	*2*	*43*	*26*	*7*	...	...	...	*9*	*21*	*16*	*4*
6. Bihar and Orissa	98	25	16	9	73	9	1	5	3	18	14	3	1	...	...	...	46	40	6
Per cent. basis ...	*100*	*25*	*16*	*9*	*74*	*9*	*1*	*5*	*3*	*18*	*14*	*3*	*1*	...	...	...	*46*	*40*	*6*
7. Central Provinces	70	17	12	5	53	6	1	3	2	7	6	1	...	...	...	...	40	31	9
Per cent. basis ...	*100*	*24*	*17*	*7*	*75*	*8*	*1*	*4*	*3*	*10*	*8*	*1*	...	...	...	...	*57*	*44*	*13*
8. Assam ...	53	14	9	5	39	8	...	2	6	18	18	...	...	...	..	...	19	18	1
Per cent. basis ...	*100*	*26*	*17*	*9*	*73*	*15*	...	*3*	*11*	*33*	*33*	...	...	...	...	...	*35*	*34*	*1*

[1] These numbers exclude the two experts (or in Assam one), who may be added by the Governor when required.

As regards the proportions of nominated and elected members you will notice that the provinces fall into two distinct groups. The presidencies and the United Provinces form the first. In their case it is proposed to include in the councils from 78 to 80 per cent of elected members. The remaining four provinces will have from 73 to 75 per cent. These proposals seem to us to accord sufficiently with the relative progressiveness of the provinces.

12. As the committee say, the number of official members must be decided mainly with reference to the requirements of the grand committee procedure. If the grand committee is constituted on the basis of the existing councils the proportion of officials will be slightly higher than those proposed in the scheme of the Report; and on a 40 per cent basis the difficulty, which the committee apprehend, will become more acute. We are not in a position to make our final recommendations, but we think that this matter will require further consideration after consultation with local Governments.

13. We have analysed in the statement printed below the interests which in the committee's opinion should be represented by non-official nomination :—

Name of province.	Depressed classes.	Anglo-Indians.	Indian Christians.	Labour.	Excluded tracts.	Military interests.	Industrial interests other than planting and mining.	Aborigines.	Domiciled Bengalis.	Others.	Total.	Percentage of total membership.
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Madras ..	2	...	...	...	2	...	...	...	...	2	6	5
2. Bombay ...	1	1	1	1	...	...	...	...	...	2	6	5
3. Bengal ...	1	...	1	1	...	...	..	...	...	2	5	4
4. United Provinces	1	1	1	...	...	...	...	...	...	2	5	4
5. Punjab	...	2*	1	...	...	1	...	...	...	2	6	7
6. Bihar and Orissa	1	1	1	1	...	...	1	1	1	2	9	9
7. Central Provinces	1	1*	...	...	2	...	...	...	...	1	5	7
8. Assam .	...	1*	1	1	1	...	...	...	...	1	5	9
TOTAL ...	7	7	6	4	5	1	1	1	1	14	47	...

* Europeans and Anglo-Indians.

We accept these proposals generally. But there is one community whose case appears to us to require more consideration than the committee gave it. The Report on Indian constitutional reforms clearly recognises the problem of the depressed classes and gave a pledge respecting them. "We intend to make the best arrangements that we can for their representation." The castes described as "Hindus—others" in the committee's report, though they are defined in varying terms, are broadly speaking all the same kind of people. Except for differences in the rigidity of their exclusion they are all more or less in the position of the Madras *Panchamas*, definitely outside that part of the Hindu community which is allowed access to their temples. They amount to about one-fifth of the total population and have not been represented at all in the Morley-Minto councils. The committee's report mentions the depressed classes twice, but only to explain that in the absence of satisfactory electorates they have been provided for by nomination. It does not discuss the position of these people or their capacity for looking after themselves. Nor does it explain the amount of nomination which it suggests for them. Para. 24 of the report justifies the restriction of the nominated seats on grounds which do not suggest

that the committee were referring to the depressed classes. The measure of representation which they propose for this community is as follows :—

	Total population.	Population of depressed classes	Total seats.	Seats for depressed classes.
	(millions)			
Madras	39·8	6·3	120	2
Bombay	19·5	·6	113	1
Bengal	45	9·9	127	1
United Provinces...	47	10·1	120	1
Punjab	19·5	1·7	83	...
Bihar and Orissa	32·4	9·3	100	1
Central Provinces	12·2	3·7	72	1
Assam...	6·0	·3	64	...
Total ...	221·4	41·9	791	7

These figures speak for themselves. It is suggested that one-fifth of the entire population of British India should be allotted seven seats out of practically eight hundred. It is true that in all the councils there will be roughly a one-sixth proportion of officials who may be expected to bear in mind the interests of the depressed; but that arrangement is not, in our opinion, what the Report on reforms aims at. The authors stated that the depressed classes also should learn the lesson of self-protection. It is surely fanciful to hope that this result can be expected from including a single member of the community in an assembly where there are sixty or seventy caste-Hindus. To make good the principles of paras. 151, 152, 154 and 155 of the Report we must treat the outcastes more generously. We think there should be in each council enough representatives of the depressed classes to save them from being entirely submerged, and at the same time to stimulate some capacity for collective action. In the case of Madras we suggest that they should be given six seats; in Bengal, the United Provinces and Bihar and Orissa, we would give them four; in the Central Provinces and Bombay two and elsewhere one. In these respects we think that the committee's report clearly requires modification.

14. We come now to the question of special, as distinct from communal, electorates. The reforms Report (para. 232) expressed a desire that special electorates should be restricted as far as possible, and allowed only where necessary for the protection of minority interests. We find it difficult to hold that the eight university seats proposed by the committee satisfy this criterion. We can discern no real divergence of interest between the universities and the educated classes in general. If it were the case that the university seats were given to academic interest or high scholarship we should welcome their inclusion, but we cannot anticipate that the representatives whom they will return will be different in kind from those of the professional classes in general. The Indian university seats date from the time of Lord Dufferin, when they were instituted in the anxiety to make use of any corporate body of opinion that then existed in the country. For that purpose they are not now needed; and we are inclined to think that the only result of a departure from the principles of the Report will be to add to the representation of the professional classes, and to do something to carry politics into academic circles. We therefore find much difficulty in justifying their inclusion.

15. The next class proposed for special representation is the landholders. The position taken in the reforms Report was that "where the great landowners form a definite class in any province, we think that there will be a case for giving them an electorate of their own" (para. 232). Our view generally has been that the smaller zamindars ought to be encouraged to feel themselves

part of the ordinary electorate; but that where a class of great landholders exists, raised by wealth or birth perceptibly above the level of the countryside, it would be practically necessary to recognise their peculiar status by giving them separate seats and a separate roll. At the last general reconstruction of the franchises in 1908-09 the lowest level of land revenue qualifying for this privileged category was put at Rs. 1,000. This limit was applied only to non-zamindar landholders in Madras and zamindars in Sindh, although the Surma Valley in Assam formed an isolated exception with its limit of Rs. 500. Elsewhere the limit ranged from Rs. 3,000 to Rs. 6,000, a standard of land revenue which clearly distinguished the men of high position. Inasmuch as we are now widening the ordinary franchise and seeking to restrict all kinds of special representation there is a case for tightening the franchise of this distinct landholder class. But the committee have proposed special landholder electorates everywhere, and have even admitted to this category some small landholders in the Punjab, where hitherto no special franchise existed and even a year ago was not suggested. We feel great doubt about this recommendation, and we should also like to re-examine with local Governments the proposals for Assam and Madras.

16. The committee (para. 21) have made no reference to the drastic reduction which they have effected in the proportion of landholder representation in all provinces except the Punjab and to some extent the United Provinces. On the whole we think that this reduction is right and now gives the landholders sufficient, but not excessive, representation in the provincial councils. The change incidentally favours the landholders of the United Provinces as compared with other provinces; but on examination we find that the principles upon which the existing number of landholders' seats was fixed were not altogether clear. We imagine that the former disinclination of the great landholders of the United Provinces to intervene in politics explains the small measure of representation which they enjoyed; whereas in the process of later changes the tendency has been to give the landholders rather a larger voice. Except therefore in one respect we are prepared to endorse the committee's proposals. The local Government of the United Provinces proposed to disregard the Agra landholders altogether. The committee have compromised by offering them one seat. We do not think such a marked discrimination can be justified, and we feel that it will give dissatisfaction to the greater, and on the whole the more progressive, part of the provinces. Admitting all that can be said in favour of the special status and corporate character of the Oudh talukdars, we feel that there are in Agra great landholders who are deserving of at least equal consideration. It seems to us impossible to justify the proposed treatment of the Agra landlords in view of the committee's recommendations for other provinces. In 1908 a United Provinces conference proposed to give two landholders seats to Oudh and three to Agra; in the event one seat was awarded to Oudh and one to Agra. On the assumption that the province has six landholder seats we consider that three of them should be allotted to Agra.

17. The special representation which the committee propose for commercial and industrial interests is stated in the subjoined table:—

Name of Province.	Planting.	Mining.	European Chambers of Commerce.	Indian Chambers of Commerce.	Trades Associations.	Millowner's Associations.	Cotton Trade.	Jute Trade.	Tea Trade.	Indian Associations.	Inland Water Transport Board.	General.	TOTAL.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Madras	1	...	2	2	1	...	...	...	...	...	...	...	6
2. Bombay	...	...	3	1	1	2	1	...	...	...	...	...	8
3. Bengal	...	1	4	1	2	...	...	2	2	2	1	...	15
4. United Provinces ...	...	...	2	1	...	...	...	...	...	...	...	...	3
5. Punjab	...	...	...	...	...	...	...	...	...	...	...	2	2
6. Bihar and Orissa ...	1	2	...	...	...	...	...	...	...	...	...	1	4
7. Central Provinces ...	...	1	...	...	...	...	...	...	...	...	...	1	2
8. Assam	5	...	...	...	...	...	...	...	...	...	...	1	6
Total ...	7	4	11	5	4	2	1	2	2	2	1	5	46

These proposals seem generally reasonable. We have examined with some care the relative representation of commerce and industry in Bengal and Bombay, and also the similar representation suggested for Assam, and we are prepared to accept the proposals in the main. Since the committee's report was signed, however, the Government of Bengal in their letter of February 22 (a copy of which has been included in Appendix XIV, page 181, of the committee's report, though the letter was not actually considered by the committee) have proposed after consultation with the interests concerned to distribute the seats allotted to European commerce in that presidency rather differently from the committee. Their scheme involves giving European interests as a whole 15 seats in the council, as compared with the 14 seats proposed by the committee. We accept the committee's total but we think that the distribution should follow the local Government's proposals.

18. We come now to the very difficult question of communal electorates, which was discussed generally in paras. 227 to 231 of the reforms Report. The authors of that Report came to the conclusion that while communal electorates were bad in principle and must tend to delay the development of democratic institutions in India, it was for practical reasons necessary to maintain the special Muslim electorates and advisable to establish similar Sikh electorates in the Punjab. For the purpose of representing all other minorities they preferred to rely upon nomination, for the reasons which they gave in para. 232. These passages in the Report aroused great interest and attracted some criticism in India; and before the committee began their operations it was agreed that these expressions of opinion should not be regarded as too closely limiting their discretion. We attach an extract from His Excellency's speech upon this point at the opening of the sessions of the Indian Legislative Council in September last. In the event, communal electorates are now proposed not only for Muslims everywhere and for Sikhs in the Punjab, but also for Indian Christians in Madras, Anglo-Indians in Madras and Bengal, and Europeans in the three presidencies, the United Provinces and Bihar and Orissa. We feel the objections of principle to the communal system as strongly as the authors of the reforms Report but see no advantage at this stage in reiterating them. India is not prepared to take the first steps forward towards responsible government upon any other road. The road does not lead directly to that goal, and we can only echo the hope expressed by the committee that "it will be possible at no very distant date to merge all communities in one general electorate." Under existing conditions we see no ground on which the committee's proposals can be questioned. As regards the minor communities we accept the details also, except in so far as the distribution of the elective seats for Europeans requires further examination in communication with local Governments, inasmuch as the committee do not appear to have considered the complication introduced by the presence of a large military population.

19. Far the most difficult question, however, which arises in connexion with the representation of interests is the number of seats to be given to the Muhammadans. As you are aware, representatives of the Indian National Congress and the All-India Muslim League met at Lucknow in December 1916 and arrived at an agreement respecting the proportion of seats to be allotted to the Muhammadan members in the various provincial legislatures and the Indian Legislative Council. The committee, adopting the recommendations of most though not all of the local Governments, have made their proposals conform to this agreement. They found that most of the Indian opinion presented to them in their inquiry adhered to the compact, and they thought that to depart from it would revive a troublesome controversy. We realize very strongly the force of this observation. At the same time before deciding to endorse the committee's conclusion, we are bound to examine the agreement in the light of the principles laid down in the Report on constitutional reforms, and also of its effect in the various provinces. We note that local Governments were not unanimous in subscribing to the compact. The Government of Madras framed their own proposals for Muhammadan representation without regard to it. The Bombay Government while adopting the compact did not rule out from discussion a scheme of representation upon a basis of population. The Chief Commissioner of the Central Provinces was opposed to separate Muhammadan

electorates and considered that the percentage proposed in the compact was "wholly disproportionate to the strength and standing of the community." The Chief Commissioner of Assam thought it was a mistake, even from a Muslim point of view, to give that community representation in excess of their numerical proportion.

20. The authors of the reforms Report laid it down that the effect of the agreement upon other interests must be examined; and they also set aside as wholly unworkable the second provision in the compact, by which proposals affecting the interests of other communities could be considered in the legislatures only with the assent of the large majority of the community affected. They thought moreover that special electorates for Muhammadans could be admitted only in provinces where they were in a minority of voters. The committee say that their rough estimates show that this is the case both in Bengal and the Punjab. As regards Bengal they are clearly right. As regards the Punjab, our calculation goes to show that the Muhammadan voters are in a slight majority over the combined strength of Hindus and Sikh voters. The margin is not great and it is even possible that actual enumeration might convert it into a minority; but the Muhammadans are in any case far the strongest single community in the province, and as the Sikhs' claim to separate representation has been conceded, it is clearly considerations of expediency rather than logic that would place the large majority of the residuary voters in separate constituencies.

21. The actual effect of the Congress-League agreement can be judged from the following figures :—

—	Muslim percentage of population.	Percentage of Muslim seats proposed.	Percentage (2) of (1).
	(1)	(2)	(3)
Bengal	52·6	40	76
Bihar and Orissa	10·5	25	238
Bombay	20·4	33·3	163
Central Provinces	4·3	15	349
Madras	6·5	15	231
Punjab	54·8	50	91
United Provinces	14·0	30	214

The result is that while Bengal Muhammadans get only three-quarters and the Punjab Muhammadans nine-tenths of what they would receive upon a population basis, the Muhammadans of other provinces have got good terms and some of them extravagantly good. We cannot ourselves feel that such a result represents the right relation either between Muhammadans in different provinces, or between Muhammadans and the rest of the community.

22. If we were writing on a clean slate, we should greatly desire to establish a ratio of Muhammadan seats which would bear a closer relation with their strength as a community, while amply fulfilling our undertakings to safeguard them as a minority. In determining that ratio in the various provinces, we should have to start with certain established data. In the first place, the Muhammadans have been definitely promised some electoral advantage on the ground of their political importance. We should have to measure that advantage and to fulfil that promise. Secondly, the Muhammadans are the poorer community, and therefore any property qualification common to them and the Hindus will make the Muhammadan electorate smaller in proportion to the Muhammadan census than will be the case with the Hindus. In the third place,

the census strength of the Muhammadans by no means corresponds to their political strength. In Bengal and Assam the Muslims are politically weaker than their numbers would indicate, while in the United Provinces with 14 per cent of the population they are incomparably stronger than in Bihar and Orissa with 10·5 per cent. Past history and the presence of Muhammadan centres count for much. Fourthly, it might be argued that inasmuch as a majority can always impose its will upon a minority, it does not greatly matter whether the Muhammadans in places where they are in a conspicuous minority are awarded for example, 15 or 20 per cent of the seats. But we think it a valid answer to observe that the effectiveness of a minority depends upon its being large enough to have the sense of not being entirely overwhelmed. Finally, we should have to remember that whatever advantage is given to the Muhammadans is taken away from some other interest or interests. These considerations would suggest to us a system of weighting which would lead to different results from those agreed on at Lucknow. It would no doubt involve assumed factors, but these would have a more logical basis than those embodied in the compact.

23. We are not writing however on a clean slate. The Congress-League compact is an accomplished fact and a land-mark in Indian politics which we cannot possibly ignore. The actual terms of the agreement were the result rather of political negotiation than of deliberate reason ; and in their final form they were closely affected by accidents of place and personnel. But the last thing that we desire is to belittle the importance or significance of concord between the two parties upon so highly controversial a subject. The difficulty with which the agreement was reached is a measure of the earnest efforts made to attain it ; and those efforts imply on behalf of the larger community at least a subordination of their immediate interests to the cause of unanimity and united political advance which we should be sorry to appear to undervalue. Since the compact was made, there has been some re-action against it Several of the more conservative Muslim associations of the Punjab are ill-content with the measure of representation assigned to them, while a large section of Bengali Muhammadans repudiate the agreement altogether and have besought us not to give effect to it. Nevertheless, the Muhammadan community as a whole has not disavowed the action of the League. Organized Hindu political opinion stands by the action of the Congress. We feel, like Lord Southborough's committee, that the compromise, whatever may be its defects, is not one that we ought to re-open, and that it would be a poor recognition of the genuine efforts that have been made in the cause of unity if we were to throw this very difficult problem into the melting-pot again.

24. We accept therefore the conclusions of the committee except in one respect. The Muhammadan representation which they propose for Bengal is manifestly insufficient. It is questionable whether the claims of the Muhammadan population of Eastern Bengal were adequately pressed when the Congress-League compact was in the making. They are conspicuously a backward and impoverished community. The repartition of the presidency in 1912 came as a severe disappointment to them, and we should be very loath to fail in seeing that their interests are now generously secured. In order to give the Bengal Muslims a representation proportionate to their numbers, and no more, we should allot them 44 instead of 34 seats ; and we accordingly propose to add ten seats to those which the committee have advised on their behalf. Whether the addition should be obtained by enlarging the council or by withdrawing seats from other interests, or by a combination of both plans, is a matter on which we should certainly have to consult the provincial Government. We should also be largely guided by their opinion in determining whether the extra seats should be filled by election or by nomination. Our colleague Sir Sankaran Nair, however, would accept the committee's report.

25. We agree with the committee that there is no justification for admitting the claims for separate electorates put forward by the smaller communities mentioned in para. 18 of their report. But we confess to the greatest difficulty in accepting their proposals in regard to non-Brahmans in Madras. If, contrary to theoretical principles, communal electorates are to be conceded to three communities in addition to the Muhammadans and the Sikhs, then it appears to us

that there is a very strong practical need for finding some means of dealing specially with the non-Brahmans also. The committee were evidently dissatisfied with the position, and saw the need for some settlement which would dispel the anxieties of the non-Brahmans. At the same time they advise that no attempt to reach such a settlement should be made until statutory effect has been given to their own proposals, although these ignore the position of the non-Brahmans altogether. We see grave practical objections to this suggestion. If the reforms scheme is not to start under a very heavy handicap in Madras, the bitter feelings which have been aroused by this controversy must be allayed. We cannot expect co-operation and good will from the non-Brahmans so long as no provision is made to secure their interests. We do not regard it as sufficient to say, as in effect Lord Southborough's committee have said, "since you will not assist us to find a solution, we can do nothing for you." Our own responsibility for the contentment of the country makes it incumbent upon us to make every attempt to arrive at a settlement which will satisfy the reasonable claims of both parties before reforms are introduced. It is indeed not only the two contesting parties who are interested. The Madras representative upon the subjects committee has declined to recommend the transfer of any subject in Madras unless separate provision is made for the non-Brahmans; and though we have not been in communication with the Madras Government, it would not surprise us to learn that they share his views of the need for securing the interests of that body.

26. Various possible solutions are discussed by the committee. They reject a scheme for separate electorates on the ground that it would force the Brahmans into a separate electorate against their will. This argument may be discounted by the fact that in the eyes of many Hindus this is what has already been done in the case of the Hindus; but hitherto separate electorates have been established in the interests of minorities only, and to extend the system in the interests of majorities seems to us again open to serious objection. On the other hand we do not think that the committee have attached enough weight to the immense power of the Brahmans in combination. They point out that the non-Brahmans will be in a majority of four to one in the electorates, and they "cannot but think that, if the capacity already devoted to politics among non-Brahmans were utilized in organizing this great majority, the non-Brahmans would in no long space of time find that such a preponderance of votes would make itself effectually felt despite the power and influence of the Brahmans." We are less optimistic. Recent experience in Madras has shown how inadequately non-Brahmans are likely to be represented in the council, unless some special provision for them is made. Numbers count for little in India at present against social, educational, and especially religious superiority which has behind it the sanction of centuries. We shall find it hard to meet the charge that we are acquiescing in the establishment of an oligarchy in Madras, unless something is done to secure to the non-Brahmans a fair share in the legislature. It would, in our opinion, be a mistake to wait for any move by the non-Brahmans. We share the committee's views regarding the undesirability of forcing a separate electorate on the Brahmans, but we are anxious to consult the Madras Government in regard to the reservation of non-Brahman seats in plural constituencies. It seems to us that the constituencies might be arranged in such a way that thirty out of the sixty-one non-Muhammadan seats could be reserved for non-Brahmans, while both parties might contest the remaining seats without restriction.

27. At the same time, if divisions in the Hindu community are once recognised in the electorate, as in the case of the non-Brahmans in Madras, we admit that it becomes extremely difficult to resist the claims of the Mahrattas in Bombay. Their case is stated, from three different points of view in para. 5 of the Bombay Government's memorandum at pages 135-6 of the report. The Mahratta question is by no means so acute as the non-Brahman question; and the Bombay Government seem to think that with the system of plural constituencies proposed for many districts in Bombay the Mahrattas ought to secure fair representation. The case, however, is a somewhat doubtful one, and we should like to consult the Governor in Council particularly upon it before making our final recommendations.

28. We come now to the distribution of representation between town and country. The committee have not dealt with this question on any uniform system, and we cannot but think that this detracts from the value of their recommendations. The point is an important one, and as it seems to us requires reasoned treatment. After religion and race, the boundary between town and country is the greatest dividing line that runs through the Indian people. It corresponds closely with the division between progress and conservatism; between English education and vernacular; between experience of self-government and lack of such experience: between the existence of newspapers, professions, bar libraries, societies, etc., and their absence. It is roughly the difference between the old India and the new, the forces that are pressing us forward and those that are holding us back. These are in our view elements which ought to be measured on a uniform scale all round, and the relative importance of which ought to be assessed in each province. The committee have not attempted this task. What they have done is to accept the schemes for urban electorates put forward by provincial governments, with indifference to the fact that these are based on very varying principles. In Madras, Bombay, Bengal and the United Provinces the method adopted has been to take very large towns only and either to give them separate constituencies or to group two towns together in one constituency: at the other extreme is the system adopted in the Punjab and Bihar and Orissa of separating only one or two of the very largest towns, and then grouping all other towns, cantonments, and in the Punjab even notified areas, of one or two divisions into single constituencies: between these extremes comes the Central Provinces system of grouping towns varying in population from 46,000 to 4,000 into groups of from three to nine towns and making each group a constituency. We cannot think that all these varying principles can be sound. That their adoption will give rise to great inequalities is shown by the following statement:—

Name of province.	Percentage of urban seats in general, non-Muslim, Muslim and Sikh seats.	Percentage of total population living in towns with population of over—				
		5,000.	10,000.	20,000.	50,000.	100,000.
1	2	3	4	5	6	7
1. Madras	15	16	10	6	3	2
2. Bombay	22	20	15	12	9	8
3. Bengal	23	8	6	4	3	3
4. United Provinces ...	14	9	7	5	4	3
5. Punjab	18	12	8	7	5	3
6. Bihar and Orissa ...	14	5	3	2	1	½
7. Central Provinces ...	18	8	5	3	1	1

In every province, whatever their differences of industrial or commercial development, there must come a stage in the growth of towns, though it need not be the same stage everywhere, where proximity of residence gives rise to distinctively urban interests. In para. 133 of the reforms Report it was suggested that the beginnings of such a process occurred in towns of 10,000 people; many persons would agree that for political purposes the process was sufficiently complete in towns of 50,000 people and not in towns of much smaller population. We would have preferred that some such standard should have been adopted in the first place, and thereafter some uniform system of weighting applied to the town representation. This would give a reasonable and a roughly uniform representation to the urban areas in the various provinces. We may illustrate our meaning by an example. If we take a population of 50,000 as the criterion for a town, and if we decide that a town population hould have twice as much representation as the rural population, then accept-

ing the percentages in column 6 of the statement above we should fix the proportion of urban representation in the various provinces as follows:—

Madras	6 per cent.
Bombay	18 „
Bengal	6 „
United Provinces	8 „
Punjab	10 „
Bihar and Orissa	2 „
Central Provinces	2 „

The results would be markedly different from those of the committee's method of procedure. We do not put them forward as a final solution; but we feel that the question requires more examination from the point of view of principle than it has received.

29. The committee propose certain changes in the regulations regarding the qualifications for candidates. For the reasons already given in para. 3 of this despatch we are unable to agree that subjects of Indian States should be eligible for election as members of legislative councils. We also doubt the need for the proposal that dismissal from Government service should only operate as a disqualification if it involves moral turpitude, the duty of deciding this question of fact being laid on the Governor. This proposal seems to imply that men may be dismissed from Government service without a stain on their character; this is not the case; and we would prefer to leave the disqualification as it stands at present. Our colleague Sir Sankaran Nair would accept the view of the minority stated in para. 27 of the report. The next change proposed by the committee has also reference to the same criterion. The existing provision that no one should be a candidate against whom had been passed a sentence of more than six months' imprisonment or an order to give security for good behaviour is modified by the same "moral turpitude" condition, (though at present the Governor in Council is empowered to remove this bar,) and by the omission of any reference to the preventive sections. In the following rule relating to disbarred lawyers the word "court" is substituted for authority. With the exception of the last, we do not regard these changes as improvements and should prefer to leave the rules as they stand at present. The committee, though they make no mention of the fact, further propose to omit altogether the important rule which empowers the Governor in Council to disallow the candidature of any person whose character and antecedents are such that his election would be contrary to the public interests. This rule was introduced in 1909 after much discussion between Lord Morley and Lord Minto's Government. Its loss may be inconvenient, but we are not disposed to press for its maintenance; we incline to regard a provision of this nature as inconsistent with the new conception of representation.

30. The committee's treatment of the question of residential qualifications has placed us in some difficulty. Their recommendations do not accord with the opinions received. Five local Governments asked for the insertion of a qualification of residence within the constituency; three did not press for it. The committee propose to adopt the qualification in three cases out of the five, but not in Madras or Bengal. The three English members of the committee with Indian experience dissent from the majority proposal and would adopt the qualification in all provinces. On the whole, amid this diversity of views, we have decided to accept the committee's proposals, mainly because we doubt the effectiveness of insistence on the residential qualification, but also because it will give us an opportunity of testing it by results in different areas. Some of the arguments that have been urged against the qualification do not appeal to us. For example, alarm has been expressed by Indian politicians at the suggestion that rural areas may return members who will only be able to follow the proceedings in the vernacular. We feel, on the contrary, that unless this result is secured the rural areas cannot be properly represented, the control of business must pass entirely into the hands of the limited English knowing classes, and the intentions of our reforms will be in serious jeopardy. As we have said, however, we are prepared to allow the experience of different provinces to show which rule has the more beneficial result.

The Indian legislature.

31. We now come to the very difficult questions connected with the composition and functions of the Indian legislature; and before we examine the committee's proposals, we would ask you to consider the main problems which must underlie all questions of detail. The principle of bifurcation in the central legislature for the sake of obtaining a better representation of interests therein, is accepted by us; though our colleague, Sir James Meston, would have frankly preferred to make no radical change in the structure of the central legislature until experience had been gained of the changes contemplated in the provinces. We all agree, however, that, be the form of the central legislature what it may, the power of the Government of India to secure the legislation which they desire in essential matters must, as stated by the authors of the Report, remain indisputable.

32. There are two ways in which a bicameral legislature can be created consistently with this cardinal requirement. The first is the method of the Report. The Council of State is there designed not primarily as a revising chamber but as the organ, when the occasion requires, of essential legislation. The idea of the authors is that the Governor General in Council should have power, by certificate, to secure legislation that he deems essential to peace, order or good government, either through the Council of State alone in the event of a sudden emergency, or by the Council of State in disregard of the wishes of the Assembly in cases where that body had taken a line which would defeat the purpose of the legislation. Under this scheme there would indeed be provision for joint sittings at which the will of the majority would prevail; but that arrangement would not be intended for Government legislation to which there was strong non-official opposition. The figures given in para. 282 of the Report make it plain that no Government Bill which did not carry with it a substantial part of the non-official vote could succeed at a joint sitting. The Report definitely relies upon the special certificate power to secure essential legislation. It follows that if the Council of State is as a matter of regular practice to serve when required as an effective legislature, it should comprise a strong elected element; and this the Report proposes (para. 277) to provide by the method of indirect election by the non-official members of provincial councils. At the same time the authors of the Report indicate that they do not look on this position as final: it is their aim that the Council of State should develop into a normal second chamber (paras. 278, 281); and they seek to give it from the outset something of this character by advising that qualifications be prescribed which will ensure a certain dignity and sobriety in its membership.

33. The other method of attaining the object in view places less reliance on the certificate power and more on the joint sitting. Its advocates doubt whether the certificate power will in practice be sufficiently elastic and durable to ensure at all times the passing of essential Government legislation. While therefore they would retain the certificate for use only in an extreme emergency, they would so constitute both chambers as to afford the Government a reasonable chance of securing enough support among the many different interests represented to carry their Bills at a joint session. So stated, the divergence of views may not appear very striking; but any departure from that part of the scheme which treats the certificate procedure as the mainstay of Government legislation at once opens the door to a very different constitutional position. There would then be good reasons for constructing India's bicameral legislature on the lines of others in the world; leaving the progressive elements to find their representation in the Assembly, and giving the Council of State the definite character of a revising chamber by making it the organ of conservative and stable opinion.

34. Between these two alternatives the main issues are fairly clear; but additional complications arise from the fact that the committee's report throws little light upon the practical possibilities of the methods of election to the Indian legislature. If the Assembly could be constituted by direct election, then the indirect election to the Council of State which the first plan involves might be accepted as no more than a minor drawback. If, however, it becomes necessary to choose the elective portion of the Assembly by indirect election, and

if no better electoral colleges can be devised for it than the non-official members of the provincial councils, then we are faced with the serious anomaly of one and the same very limited electorate choosing representatives to both chambers. When on this situation the additional limitations of the communal system are superimposed, we doubt if the resulting position would be tolerable. On the other hand if the Council of State were to be constituted on ordinary senatorial lines, it would naturally be chosen by direct election and by a restricted electorate. The nature of the elections to the Assembly, though still an important question in itself, would then at all events not complicate the question of the method of constituting the Council. The reasons for establishing direct election however for the lower chamber would indirectly gain in strength; for it would be anomalous that the popular body should have a less direct mandate than the revising body.

35. These seem to us the governing conditions of the problem before us. As we said in para. 114 of our first despatch, the terms of reference to the franchise committee precluded them from reviewing the whole of the relevant considerations. They were not invited to consider either the functions or the composition of the Council of State, but were asked to advise on the composition of the Assembly on the assumption that the Council of State would be constituted in the manner and for the purposes proposed in the Report, and as regards the Council of State to examine only the method of election; and this limitation must be borne in mind in considering their proposals. The committee's recommendations for the Assembly are briefly stated in para. 33 of their report. They have not referred to the proposals which we ourselves placed before them, and which are repeated in Appendix III to this despatch. We hoped to discuss our suggestions with the committee in the light of the information which they had collected in the provinces, and without which it was clearly impossible for the Government of India to formulate a complete scheme. In particular, we were anxious that the possibility of direct election to the Assembly, to which we attached great importance, should be examined in the light of the provincial figures for electorates; but there were other questions, in particular questions of the balance of interests, on which, had time permitted, more light would have been thrown by an exchange of views. The chairman thought that nothing would be gained by a conference at which the Government of India were not prepared to formulate a complete scheme; he preferred to conclude his report without conferring with us: and there are therefore some points on which the reasons for the committee's divergence from our own proposals are not clear.

36. The committee have accepted our view that if all the interests which, following the plan of the Report, it is desirable to include are to find representation in the Assembly, the strength of the elective portion of that body must be raised to 78 or 80. The differences of detail between the committee's scheme and our own are exhibited in the following tables:—

GOVERNMENT OF INDIA'S PROPOSALS.

—	General.	Muslim.	European Interests.	Landholders	Indian Commerce.	Sikhs.	City.	Total.
Madras	9	1	1	1	...	...	...	12
Bombay	5	1	2	1	2	...	1	12
Bengal	5	3	3	1	1	...	1	14
United Provinces ...	8	3	1	1	...	...	...	13
Punjab	3	3	...	1	...	1	...	8
Bihar and Orissa	6	1	...	1	...	...	...	8
Central Provinces	3	...	...	1	...	...	...	4
Assam	2	...	...	...	...	...	...	2
Burma	3	...	1	...	...	...	...	4
European non-official community	...	...	1	..	...	...	...	1
Total ...	44	12	9	7	8	1	2	78

COMMITTEE'S PROPOSALS.

—	General.	Communal.		Landholders.			European Commerce and Planting	Indian Commerce.	Total.
		Muslim	Sikh.	Non-Muslim.	Muslim.	Sikh.			
Madras	7	2	...	1	...	...	1	1	12
Bombay	4	3	...	1	1	...	1	2	12
Bengal	5	3	...	1	1	...	2	1	13
United Provinces ...	6	3	...	1	1	...	1	...	12
Punjab	2	4	1	...	1	1	...	...	9
Bihar and Orissa ...	6	2	...	1	...	...	...	...	9
Central Provinces ...	4	1	...	...	...	...	...	...	5
Assam	1	1	...	...	...	...	1	...	3
Burma*	2	1	...	...	...	...	1	...	4
Delhi	1	...	...	...	...	...	...	...	1
Total ...	38	20	1	5	4	1	7	4	80

* The allotment for Burma is only tentative.

As you will see, there is no great difference between our respective ideas of the strength of the non-special (general *plus* communal) representation: but the committee have applied the Congress-League compact, which related to the Indian legislature as a whole, to the Assembly as a unit by itself, and have recommended a higher proportion of Muslim seats (24 out of 73 Indian elected seats) than our proposals, which were based on their strength in the various provinces, would give them. While the majority of us are prepared to accept their recommendation on this point, our colleague Sir William Vincent dissents, and regards the Muslim representation proposed by the committee as excessive. The special interests for which we proposed to make provision were the great landholders, European interests, Indian commerce and the two large cities of Calcutta and Bombay. The committee have omitted any special urban representation: they have not taken into account any European interests outside commerce; they have increased the representation of the landholders proposed by us from 7 to 10; they have decreased the European seats from 9 to 7 and have increased the seats given to Indian commerce from 3 to 4. It would have been convenient if they had stated their reasons. We think that the representation of landholders is excessive in itself, considering their representation in the Council of State, and that its distribution between provinces does not accord with the importance of the landed classes in them. Moreover the committee's treatment of landed property in the Assembly, where its interests are probably less immediate than in the provincial councils, is not consistent with the restricted representation which they have assigned it in the latter. We think that it would be disproportionate to reserve one elected seat to Delhi; its interests, when necessary, like those of any other minor province, could be sufficiently met by nomination. We also deprecate the reduction and restriction of the European representation. As was pointed out in His Excellency's speech which we attached to our first despatch, many of the questions which will come before the Assembly will be of great interest to European commerce, and we think that it should be strongly represented there. We feel therefore that in these respects the committee's scheme is open to criticism: and we should prefer not to endorse it until we know how it is received by those affected.

37. On the important question of the method of election the committee have decided that direct election to the Assembly is impossible. The conclusion is one which we are not unanimous in accepting. Some of us consider that the results given in para. 34 of the committee's report are enough to condemn the proposal there made; and they think that closer investigation of the provincial material is required. The committee have not mentioned in their report (para. 34) whether they propose that the elections to the general and communal seats allotted to each province in the Assembly shall be made

by the non-official members of that province voting as a whole, or only by those of the community concerned: but their intentions are clear from their Appendix IX. We agree with them that the former alternative is not feasible: the Muhammadan members of the provincial councils would not wish their own representatives in the Assembly to be returned by an electorate in which the Hindus preponderate. But if the voting is to be communal, the constituencies, already so restricted that on the average eleven voters return one member, would be smaller still. In Madras, for example, 13 Muhammadan members with the possible addition of one or two nominated members would return two members to the Assembly: in Bihar 17 Muhammadan members would elect two members; in the Punjab 9 Sikh member-electors would return one representative. A minority of us cannot regard this as a satisfactory method of constituting the elected part of the larger chamber of the new legislature of British India.

38. Those of us who take this view observe that the committee's reasons against direct election are of a permanent nature, and if accepted offer no promise of a speedy change to healthier methods. They note that the committee are in error in saying that all local Governments advised that elections should be indirect. The Bihar and Orissa Government gave an opinion to the contrary. But in any case those of us who think that every effort must be made to secure direct elections to the Assembly would be prepared to require local Governments to make a further examination of a matter which naturally was not of primary interest to them. They do not think that the committee's discussion exhausts the possibilities. The work of the central legislature will require a wider outlook and higher standard of intelligence than can be provided by the large electorate which is proposed for the provincial councils; they see no objection therefore to a substantially higher franchise being adopted for elections to the Assembly than for provincial elections; they think it inevitable that the franchise must be raised if direct elections are ever to be attained for the Assembly, and they would much prefer to take this step at once. Instead of concluding that this would give too much power to the landholders, who according to the committee would also enjoy their separate representation, they would propose first to ascertain what voters would be forthcoming on the new roll in urban and rural areas, and then to decide the details of the constituencies: it might well be that no separate seats for landholders were needed.

39. The majority of us are prepared to accept the committee's finding. We do so with regret, for we look upon direct elections as the only system that is compatible with true responsibility to the voters. And we do not accept any arguments which would relegate the creation of a direct electorate for the Assembly to an indefinite future. We consider that it will be the clear duty of the Government of India to devise such an electorate before the enquiry of the first statutory commission. But for the moment we recognize that the large electorates for the provincial councils could not be polled again for the chambers of the Indian legislature; and it will take time to work out a separate franchise which will not be too high or very artificial or so diffused as to make canvassing impracticable. We take the committee's proposals therefore as they stand, subject to the criticisms of certain details in the foregoing paragraphs. We agree to an Assembly composed of 80 elected and 40 nominated Members, of whom 26 shall be officials; and until the first statutory commission reports, we would allow the elected members to be chosen by the non-official members of the provincial legislatures. The nominated members we should apportion as follows:—

Official Members.

Members of the Executive Council	...	...	... 7
Secretaries to the Government of India	...	...	... 7
Provincial and departmental officials and experts		...	... 12
			26
Non-official members		...	... 14
	Total		... 40

40. Turning to the Council of State, the committee have recommended a slight addition to its elected element, and consequently to its total strength. In this conclusion we agree, but the main argument that weighs with us is that, unless the original proportion of size is maintained between the two bodies, the Council of State may lack the authority which should attach to it in cases where its opinion is in opposition to the Assembly. We do not give the same weight as the committee have done to the need for nicely adjusting the claims of the provinces and the communities in the Council of State as well as in the lower chamber. They have here departed from the scheme of the Report as regards the special Muhammadan and landholder seats, and have proposed that these also shall be filled by the non-official members of the provincial councils, while Appendix X of the report shows that the elections are to follow class and communal lines. The proposal is in our view unworkable. It would allow nine Sikh electors to return a member to each chamber; and it would enable six landholder voters in the United Provinces to return a member to the Council of State at each election. We cannot approve of a scheme which yields such results. Our aim should be the representation of all important interests on a broad scale, and we should eschew refinements which really have the effect of destroying it.

41. Nor can we accept the proposals of the committee for the method of election to the Council. Whether direct election for the Assembly is impossible is a question on which, as we have said, we are not unanimous: but we all agree both that direct election to that body is strongly to be preferred, and that if it cannot be attained there is no alternative but to create new constituencies electing directly to the Council of State. To obtain the elected members of both chambers from the same electoral college would reduce the smaller chamber—the Council of State—to a position barely distinguishable from that of a standing grand committee of the Assembly. We are anxious that the Council should partake of the character of a hall of elder statesmen; and for that purpose we should make its membership subject to a high standard of qualification. Having gone so far, we should see no difficulty in advancing a step further and providing for each province an electorate of from 1,000 to 1,500 voters, possessed of the same qualifications as those which we should prescribe for membership of the Council of State, who should be required to elect to that body from among their own number. The details would vary between provinces, and it would of course be necessary to consult local Governments upon them. There is ample time before the first elections for these special rolls to be prepared, and we recommend that the inquiry should be to this extent reopened.

42. Assuming therefore that the Assembly is enlarged our provisional proposals as regards the Council of State would take the following form:—

Elected by restricted constituencies in:—		
Madras, Bombay, Bengal, the United Provinces and the Punjab (3 each).	15	
Bihar and Orissa, Burma and the Central Provinces (2 each).	6	
Assam	1	
Elected by Chambers of Commerce	2	
Total elected members		24
Nominated non-official members		4
Official members—		
Members of the Executive Council	7	
Secretaries to the Government of India	10	
Provincial and departmental officials	11	
Total		28
Grand Total		56

In allowing for communal interests, we should reserve for Muhammadans one seat in each of the provinces which have three seats, and one seat alternately in Bihar and Orissa and in the Central Provinces. One of the Punjab seats we should keep for Sikhs.

43. The question remains whether the officials appointed to the Council of State should be approximately the same as those nominated to the Assembly or not. It would not be easy for the provinces to spare a double set of senior officials for the comparatively prolonged sessions of the Indian legislature; nor if the certificate power is freely used would the presence of so many be necessary for the purposes of joint sessions. There are also advantages in having the same officials in touch with the proceedings in both chambers; and although in practice it will mean that the two chambers cannot sit at the same time, we advise that the same officials should as far as possible be members of both.

44. We should the more regret our inability to present you at this stage with a complete scheme, to which local Governments had assented, if we did not feel that it arises from causes wholly beyond our control, and that there is yet an opportunity for further investigation. The extreme difficulty of combining the security of Government in essential matters with the need for greater representation of interests is apparent and calls for no demonstration. The strength of the official element available for the legislative purposes of the central Government is limited; and in the long run, if we are to adhere, as we wish to do, to the fundamental principles of the reforms Report, it must be the ultimate determining factor in whatever dispositions we make. For the rest, our aim should be to give the greatest scope to the representative principle and to make the business of the Indian legislature a reality to the electorate; and the best hope of doing so lies in establishing a system of direct election to both chambers. We recognize that this is at the moment impracticable; but for the upper or senatorial chamber we advise that the attempt be made. It can be done without delay, and there is no reason to fear that it will impede the introduction of reforms.

Conclusion.

45. We have now to sum up our views upon the committee's report. We think that it will serve the immediate purpose of making clear to Parliament the general scope of the electorate which it will be possible to set up in India; the play which must be allowed to the principles of communalism and special interests; and the size and composition of the resulting legislative bodies in the provinces. Whatever changes may be made on points of detail, important as some of these are, will not impair the value of the report from these points of view. At the same time we feel that there are proposals in the report, as for instance those affecting the depressed classes, the non-Brahmins, the Muslims, the landlords, and the division of urban and rural areas that we cannot without further inquiry endorse; while we desire more investigation into the constitution of the Indian legislature and the method of election for the Council of State. There is time for such inquiry: and our recommendation therefore is that the report with this despatch be published, and the opinions of local Governments and of the public generally be obtained upon them.

46. Our Colleague, Sir Sankaran Nair, is of opinion that, in view of Indian political conditions, any invitation of further public criticism in India is to be deprecated. He would, without waiting for further discussion in India, leave to the authorities in England, who will no doubt give such opportunities as they think fit to local Governments and representative bodies to make their representations, the decision of all questions, including those affecting the depressed classes, non-Brahmins, etc., on which he has differed from the franchise committee, and the other questions, like the composition of the Legislative Assembly and the Council of State, if any, etc., on which the Government of India are unable to endorse the conclusions of the committee without further enquiry. He signs this despatch subject to the minute of dissent already submitted by him.

47. Our Colleague Sir William Vincent has stated his views upon the questions of Muhammadan representation and the Indian legislature in a separate minute of dissent.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

(Signed) CHELMSFORD.

" C. C. MONRO.

" C. SANKARAN NAIR.

" G. R. LOWNDES.

" W. H. VINCENT.

" J. S. MESTON.

" T. H. HOLLAND

" R A. MANT.

Minute of dissent.

On three points of importance I regret that I find myself in disagreement with this despatch.

Congress-League proposals.

2. My colleagues have decided to accept as a basis of the Muhammadan representation, both in the provincial and Indian legislatures, the ratios agreed on by the Hindu and Muhammadan representatives in December 1916 in what is known as the Congress-League compact; except that they propose one substantial modification of the figures so as to give the Muslims 10 more seats either by election or nomination in the Bengal legislature.

3. I agree with the view taken in para. 21 of the despatch that the results of the Lucknow compact are defective. I consider that it gives the Muhammadans of two provinces too little, and the Muhammadans of at least two provinces too much. In each case the result is of primary importance to the province itself; and on the Government of India lies the responsibility of deciding whether to endorse such local inequalities because certain political leaders assented to them. I trust I do not misrepresent my colleagues when I say that they do not regard the Muslim League at all events as entitled to speak for all Muhammadan interests, and that this consideration largely influenced them in proposing to vary the Bengal representation. We know that several Muhammadan deputations which addressed His Excellency and the Secretary of State in 1917 dissociated themselves from the League proposals. The same consideration makes it harder to accept the settlement on an all-India and not on a provincial basis. If we disturb it, as my colleagues have found themselves driven to do in two important respects (for they agree, I understand, in setting aside the proposal discussed in para. 164 of the Report), we do so honestly with no wish to reopen a controversy that a section of political opinion regards as closed; but simply because in this highly important matter we cannot delegate our responsibility to Parliament into other hands. It appears to me, therefore, that if we think we can see our way to a fairer settlement we ought not to be deterred from saying so for no better reason than because we fear that we may possibly be unjustly suspected of sinister intentions. Like my colleagues I have no wish whatever to belittle the fact of agreement; but my view is that the Government of India if they think the terms of it defective ought not to feel bound by them. The compact meets with much more acceptance than criticism at the present time; but hereafter when the value of votes and representation comes to be realised, it must be expected that the interests which are hard hit by it will complain with some justice that the Government of India should have endorsed it. In my view therefore we should proceed without regard to the details of the Lucknow settlement, to fulfil our own pledges to the Muhammadans in what we ourselves think is the fairest way.

4. In the first place, while I agree with the reasons given in para. 24 of the despatch I should like to state my views upon the point more definitely. Lord Minto gave on behalf of the Government of India a binding pledge to the Muhammadans which Lord Morley endorsed and Lord Hardinge repeated that their position should be estimated not merely on their numerical strength but with respect to their political importance. The Muslims of Eastern Bengal stand in need of protection perhaps more than any other part of their community. They are, as the despatch says, impoverished and backward, and unless we specially help them will have little chance in competition with other communities. This was shown in the days before partition when their interests did not secure sufficient hearing. The desire to help the Eastern Bengal Muhammadans was one of the reasons for the partition of Bengal. That their position improved while the province of Eastern Bengal and Assam lasted is a well-known fact. The repartition of 1912 came as a heavy blow to many of them. I doubt whether in the Lucknow agreement of December 1916 their interests were adequately represented. I have been much impressed by the arguments which have since been addressed to the Government of India by Saiyid Nawab Ali Chaudhuri, a member of the Indian Legislative Council, on behalf of the Muhammadans of

Bengal; and I consider that they should get representation in the Bengal Legislative Council in proportion to their population strength.

5. I accept the principles laid down in para. 22 of the despatch. They lead me to conclude that what is wanted is a sliding scale in which the weighting given to Muhammadans increases as their numerical weakness does. We have, as the despatch says, to measure the advantage to be given to them. To do so some arbitrary assumptions must obviously be made. The fewer and simpler these are, the better. Where the Muhammadans are in a census majority let them get representation in that proportion. Where they are at their weakest, let us double that proportion; I can see no practical reason for going further than that. Between these extremes let us multiply the census ratio of the Muhammadans by a factor greater than one and less than two. I recognize that a purely mathematical treatment will not suffice; the strength of Muhammadan interests in the United Provinces, Bombay and Bihar and Orissa calls for some further moderate adjustment; and my final proposals would accordingly be :—

	Population percentage.	Proposed percentage of seats.
Punjab ...	54·8	55
Bengal ...	52·6	53
Bombay	20·4	28
United Provinces	14·0	24
Bihar and Orissa	10·5	20
Madras ...	6·5	12
Central Provinces	4·3	9

6. It has been said that no proposals which depend on any assumed factors can command universal assent, and it has also been implied that once arbitrary factors are introduced one set is probably as good as another. I agree that universal assent cannot be looked for, but I think that, since we are compelled to make assumptions, we should make them on a reasoned basis rather than follow the compact. I think that my proposed scale does no injustice anywhere and is defensible on reasoned grounds, and that it ought to commend itself to reasonable people. I propose therefore that it should be put out for opinion.

7. As regards the representation in the Indian legislature I would observe that on a proportion basis the Muhammadans are entitled to 23 per cent of the elected Indian seats. Some special constituencies (commerce, and as I think landholders also) cannot be suitably subdivided on a communal basis, and in these it must be expected that non-Muslims will predominate. On the whole I should be prepared to give the Muhammadans 30 per cent of the general and communal seats in the Assembly In the Council of State there is no room for these nice adjustments, and I would secure the Muhammadans, by nomination if their representation by election is deficient.

Indian legislature.

8. The other two points upon which I am unable to share my Hon'ble Colleagues' views both concern the Indian legislature. I am not prepared to accept the committee's opinion that indirect elections are inevitable for the new Assembly; and while my colleagues' proposal to institute direct elections for the Council of State is a step in the direction of my own views, it is only a partial step; and the difference between us as to the functions and structure of that body is still wide and grave enough to leave me no choice but to explain my own position.

9. Para. 33 of the despatch is a concise presentation of the views I hold, but I desire to state them more fully. After considerable experience of the present legislature I am convinced that it would be unsafe for the Government of India to rely solely on the certificate power to pass their legislation when it is likely to provoke opposition. A scheme which purports to give the Indian legislature control over legislation, coupled with a reserve power of placing legislation in disputed cases under the control of the Government, must to my mind have this result that the use of the certificate power will be regarded as autocratic and will evoke reprisals.

I am anxious not to press the argument too far, because I have agreed to the adoption of somewhat similar arrangements in the provinces. But (as the Report points out in para. 277) the two cases can be clearly differentiated, and what may be true of one need not necessarily be true of the other. In the first place, legislation in the provincial councils is not of the same moment as legislation in the Government of India. It is in the central legislature that the ultimate issues arise; and moreover if the certificate procedure should fail to give us essential legislation in the provinces we have retained for the central legislature an overriding power of legislation for the defence of all-India interests. In the Indian legislature we have no such reserve power. There is another point of difference. The grand committee in the provincial council will have a non-official majority; and there will be more justification in the popular view for committing a Bill to such a body than for committing it to the Council of State with its official majority. I do not deny that the grand committee plan involves risks: I say only that I am prepared to run greater risks in provincial matters than I am willing to face in the affairs of the supreme Government. I feel that the result of using the certificate power, except in the plainest emergency, may be that the Assembly irritated by recourse to it will, with its large elective majority, retaliate by adopting an obstructive attitude to all government business. In the face of such tactics I regard the certificate power as difficult to use save in very exceptional circumstances and as dangerous in its consequences. I would not abandon it entirely, but believing that it should be reserved for extreme cases, I desire to see the Indian legislature so constituted as to give Government Bills a reasonable chance of being passed at a joint sitting of both houses, if a fair share of support can be secured from moderate Indian opinion. This plan would entail some reconstruction of both chambers. I need not go fully into details; but may state my opinion that the elective element in the Assembly should be decreased from 66 to 60 per cent; that the representation of the landholders and of commerce should be transferred to their appropriate place in the upper chamber, the Assembly being thereby kept at a limit of 100; while the official element in both chambers would be somewhat increased. These changes would really give the Council of State the regular character of a revising chamber. My colleagues propose to give it more of this character than the Report does by letting it be chosen by direct elections on a general but very restricted franchise. If I may say so, I think that what they thus gain in the direction of giving the Council a senatorial character, is outweighed by the difficulty of justifying their departure from the proposals of the Report as regards the structure of a chamber whose functions they would still leave as proposed in that document. Their Council will indeed escape the worst features with which the committee proposed to endow it, but it will not retain the character required in a body which they intend to serve not seldom as the sole effective legislature. They still propose to leave some conservative elements represented in the Assembly; but the resulting situation is that while these elements in both chambers will have a direct mandate, the popular and progressive elements which figure only in the Assembly will depend on indirect election. Even as a temporary expedient I think that this is wrong.

10 I believe that the key to our difficulties regarding the central legislature plainly lies in getting direct elections generally to the Assembly. My colleagues clearly realise the objections to any other course, but most of them are disposed to accept the committee's finding that no alternative is for the present possible. I cannot subscribe to this. I think that indirect elections are open to the gravest objection; that the question of direct elections has not yet been fully investigated; and that inasmuch as my colleagues propose a further reference to local Governments about the elections to the Council of State, there is no good reason for not extending the scope of that reference to the Assembly elections too. The last point seems to me to need no argument. I will briefly give my reasons as regards the other two.

11. The proposal put forward by Lord Southborough's committee is that 70 per cent of the elected members of the Assembly shall be elected by the non-official members of the provincial legislative councils voting on a communal

system. A total electorate of 601 voters will return 55 members: on the average six votes will suffice to secure a member's return. A member may secure one of the general seats if he gets six votes and one of the Muhammadan or Sikh seats if he gets five. This is the system on which, for a period of ten years, my colleagues are prepared to base the greater part of the popular chamber of the new and reformed Indian legislature. I have re-read para. 83 of the reforms Report which deals with the much milder anomalies which characterised the Minto-Morley provincial councils: and having done so I can only decline to continue what is in my judgment a worse arrangement.

12. Para. 34 of the committee's report does not convince me that the question of direct election has been examined thoroughly. If I am right in my surmise, there were doubtless good reasons for this result. Other questions were more pressing and local Governments were more interested in them. I quite agree with the committee that the provincial franchise will not do for the Assembly. I see no objection to taking a higher franchise than for provincial elections; but it need not be of an oligarchical nature. There is no need to go so high as the present Muhammadan franchises mentioned by the committee; the average constituency which I have in view would consist of four or five districts and 4,000 or 5,000 voters. The maintenance of rolls of this size would not add appreciably to the heavy labours which are to be in any case undertaken. That the constituencies would be large in size it is impossible to deny. It cannot be otherwise. British India is 246 times the size of the average district, and unless we propose to enlarge the Assembly far beyond the limits which practical considerations impose, any system of direct election whatever, now or ten years hence, must mean large constituencies. Nor do I underrate the drawbacks of these. All I lay stress on is that the maintenance of the roll and the holding of the elections has certainly not yet been proved to be an insuperable obstacle: and as for the objection that contact and communication will be difficult, I can only reply that exactly the same difficulty attends the proposals which the committee have put forward and which my colleagues have accepted for the Sikh seats in the Punjab council, the general seats in the Lahore division, and the Muhammadan seats in many provinces, not to speak of the Indian Christian constituencies in Madras, one of which comprises eleven districts. We are prepared to face these drawbacks for the provincial councils: why should we fear them for the Assembly?

13. The committee's objection in para. 34 of their report that a higher franchise would give the landholders undue predominance, while they would also get their own separate representation, begs the issue. Let us first see what sort of constituencies a moderately high franchise will yield, both in town and country, and then decide whether any landlord constituencies are needed or not. The principle laid down in para. 225 of the Report is sound. We should begin with the franchises and not with statistics of the Assembly.

14. My decided opinion therefore is that we should ask local Governments at once to prepare a scheme of direct elections to both chambers: the constituencies for the Council of State to include the conservative elements such as the landholders and the vested commercial interests. There is plenty of time for this before the reforms take effect.

15. It follows that I dissent from paras. 23 and 24, 36, 39, 42 and 43 of the despatch.

W. H. VINCENT.

Simla, April 23, 1919.

List of enclosures.

I. Report of the Franchise Committee, dated February 22, 1919.

II. Extract from a speech by H. E the Viceroy, dated September 4, 1918.

III. Memorandum by the Government of India on the composition of the Legislative Assembly.

APPENDIX II.

Extract from a speech by His Excellency the Viceroy, dated September 4, 1918.

"I said that I would not follow up the various criticisms which have been made on our scheme, but Hon'ble Members will probably expect something from me on the vexed question of communal representation. I cannot help thinking that much more has been read into our proposals than they were intended to convey. We wished indeed to make it clear that, in our opinion, communal electorates were to be deprecated for the reasons set out in our report. But it was in the main to the method of securing communal representation by communal electorates that we took exception, and not to communal representation itself. The careful reader of the report will see that we regard this as inevitable in India, and that we clearly contemplate the representation of those communities and classes and interests who prove their case before the committee shortly to be appointed to examine the question. I am most anxious that the fullest representation should be secured to the various classes and communities in India; but I am frankly doubtful myself whether the best method for securing that representation is through a system of separate electorates. However, I am content to leave the unravelling of this important question in the hands of the committee, who will have the fullest evidence placed before them and will be free to make such recommendations as they think right, unfettered by our report."

APPENDIX III.

MEMORANDUM

The Government of India, upon consideration of the opinions before them, have felt themselves unable to prepare plans for the composition of the legislative assembly which conform closely to the figures proposed in the report. Their difficulty is that they find themselves unable to secure the representation of certain interests which they think should find a place, unless the total strength of the assembly is raised to the (approximate) figure 117. The table which they present to the committee is accordingly framed upon that basis.

2. Before explaining the basis of the representation proposed for the various interests the Government of India wish to make clear their intentions upon one or two general points. In the first place they consider that the system of election to the assembly should, if in any way practicable, be by direct election and that the voting qualification for the assembly should be considerably higher than that for the provincial councils. Upon the information before them they are not at present satisfied that such direct election is impossible. If it becomes necessary to have recourse to indirect election they consider that there should be a material difference of method between indirect elections to the assembly and to the council of state. Secondly they propose that officials, if otherwise qualified, should have votes in the constituencies appropriate to them.

3. The accompanying table has been based partly on population qualified by other considerations including the relative amounts contributed by the respective provinces to the central exchequer. The Government of India have found no way of satisfactorily applying the factor of education, and have therefore left it out of consideration entirely. The population factor is based on the total population of the provinces, and for the present the population of backward tracts has not been excluded. But in the absence of complete information as to the proposals made to the committee by provincial Governments and as to the committee's proposals for the provincial councils it is impossible for the Government of India to base their provisional proposal on any but a rough estimate of provincial needs. Nor do they think it possible to reduce the other factors which they have taken into account to any mathematical expression. At present they look to the Franchise Committee to make the detailed calculations upon which any scheme of representation must rest, and the figures placed before the Committee in the accompanying table should be taken as expressing no more than the net result of the Government of India's general impressions as to the claims to consideration for the various localities and interests.

4. On a few points, however, a word of explanation may be added. (1) The Government of India have not thought it necessary or desirable to adopt for the legislative assembly the proportion of seats for the Muhammadans in the Congress-League agreement of December 1916. The number of Muslim seats proposed for the United Provinces is thought to be justified by the political importance of the Muslims of that province. (2) The proportion of seats set down for European interests is higher than can be justified on any numerical basis; but strong representation of these interests is thought to be well justified on account of the stake of European commerce in the country and also to be politically expedient. The category "European interests" includes European commerce, but the proposed distribution of seats between Provinces has been made with reference to the latter only and will require further examination. (3) The further question whether the seats provisionally allotted for non-Brahmans in Madras should be included in the general Madras electorate will depend largely upon whether election to the general seats in that presidency can be expected to result in adequate non-Brahman representation.

5. For the present the Government of India reserve their proposal regarding the distribution of the nominated seats in the assembly. This matter cannot be entirely dissociated from the question of the composition of the council of state.

TABLE.

SHOWING ELECTIVE SEATS IN THE LEGISLATIVE ASSEMBLY.

—	General.	Muhammadans.	Non-Brahmans.	Sikhs.	City.	Landholders.	European interests.	Indian Commerce.	TOTAL.
Bengal	5	3	...	...	1	1	3	1	14
Bombay	5	1	...	...	1	1	2	2	12
United Provinces	8	3	...	...	...	1	1	...	13
Madras	6	1	3	...	...	1	1	...	12
Punjâb	3	3	...	1	...	1	...	...	8
Bihar and Orissa	6	1	...	...	...	1	...	...	8
Central Provinces	3	...	...	...	...	1	...	...	4
Burma	3	...	...	...	...	...	1	...	4
Assam	2	...	...	...	...	...	...	...	2
Total ...	41	12	3	1	2	7	8	3	77
European non-official community	...	...	...	...	...	...	1	...	1
Total elective seats ...	...	...	...	...	...	...	...	...	78